

United States Department of Agriculture Agricultural Marketing Service

2010

Federal Pesticide Recordkeeping Program Annual Summary



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The United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) administers programs that facilitate the efficient, fair marketing of U.S. agricultural products, including food, fiber, and specialty crops. In accordance with the 1990 Farm Bill, all private pesticide applicators are required by law to keep record(s) of their use of federally restricted use pesticide (RUP) applications for a period of 2 years. The AMS, Science and Technology Program, Pesticide Records Staff administers the Federal Pesticide Recordkeeping Program (PRP) and enforces the regulations through compliance and educational outreach activities. This program supports the AMS goal of monitoring specific agricultural industries and activities to ensure that they maintain practices established by regulations to protect buyers, sellers, and other stakeholders.

PRP conserves resources by utilizing the services of State pesticide regulatory agencies to conduct record compliance inspections in States which are under the Federal pesticide recordkeeping regulations. In addition, the PRP recognizes State regulations that are comparable to the Federal regulations and allows applicators in those States to comply with the State pesticide regulations, thus eliminating the burden of maintaining duplicate RUP records. PRP also works with many States to educate private pesticide applicators about the requirements, provides resources to assist farmers in keeping the proper records, and develops programs to reach out to minority and small farmers.

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History

The 1990 Farm Bill

The 1990 Farm Bill, known officially as the Food, Agriculture, Conservation and Trade Act (FACT) of 1990, Subtitle H, Section 1491, obligates the Secretary of Agriculture, in consultation with the Administrator of the U.S. Environmental Protection Agency (EPA), to require certified applicators to maintain records regarding the use of federally restricted use pesticides. The USDA designated AMS to administer the PRP based on its experience in agricultural cooperative regulatory programs.

The Regulations

The Federal pesticide recordkeeping regulations, "Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides; Final Rule," were published on April 9, 1993. Certified private pesticide applicators were required to comply with the regulations, effective on May 10, 1993. The regulations were amended on February 10, 1995, and became effective on August 1, 1995. The regulations were amended on May 7, 2010 to increase penalties under the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990.

Benefits of the Program

The Program generates accurate and unbiased data on federally restricted use pesticides, which can be utilized by Federal and State agencies and other stakeholders in their decisionmaking. It encourages accurate and complete pesticide recordkeeping by the agricultural producer that can be utilized for production decisions. It also provides access to RUP record information for the purpose of providing medical treatment to people who may have been exposed to a RUP.

Pesticide Recordkeeping Program

The PRP was established in 1992 to administer the Federal Pesticide Recordkeeping regulations. Located in Manassas, VA, the PRP is part of the AMS Science and Technology Program. AMS has chosen to emphasize educational and compliance assistance during the RUP record inspections of certified private pesticide applicators. The majority of the compliance inspections and educational outreach are accomplished through cooperative agreements with State pesticide regulatory agencies and the State cooperative extension services.

What's Required on a Application Record

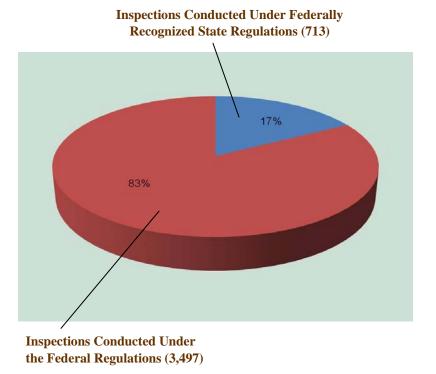
- 1. Brand/Product Name
- 2. EPA Registration Number
- 3. Total Amount Applied
- 4. Date of Application
- 5. Location of Application
- 6. Crop, Commodity, Stored Product, or Site
- 7. Size of the Area Treated
- 8. Name of Applicator
- 9. Certification Number

PROGRAM OBJECTIVE

The objective of the PRP is to administer the recordkeeping provision mandated by the FACT of 1990. The Program is conducted by State and USDA employees through cooperative and interagency agreements. The majority of the cooperative agreements are signed with State departments of agriculture that conduct face-to-face RUP record inspections in their States. Cooperative agreements are also established to create and provide educational materials, programs, and resources to assist farmers in recording their RUP applications completely and accurately.

PRP oversees the inspections in the cooperating States and administers any resulting penalties under the Federal regulations. This Program inspects certified private pesticide applicators under the Federal regulations in 27 States by utilizing either State or Federal inspectors. The PRP recognizes the remaining 23 States and Puerto Rico as having comparable requirements to the Federal regulations and allows their applicators to comply by following their State published requirements. PRP coordinates inspections in many of the States with their own requirements and under the Federal regulations (Chart 1). This results in a national program that requires all certified private pesticide applicators to record their RUP applications.

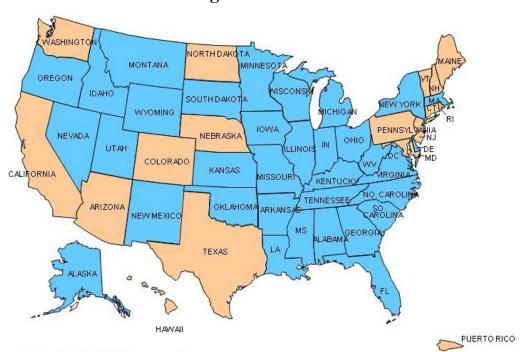
Chart 1: Inspections conducted under Federal recordkeeping cooperative program. A total of 4,210 inspections were completed in FY 2010.



Cooperative and Interagency Agreements

In FY 2010, PRP reimbursed 32 cooperating States, one university and two Federal agencies (over \$1.5 million or 60 percent of PRP operating funds) for conducting inspections of certified private pesticide applicator RUP records and educational outreach. State and Federal inspectors met with over 4,210 applicators in FY 2010. Most of the applicators chosen for inspection were randomly selected from pesticide dealer sales reports or were screened by inspectors to locate only those who had purchased and/or applied RUP in the past 2 years. Less than 10 percent of the applicators were selected randomly from the entire list of certified private pesticide applicators. PRP established cooperative agreements with States that operate under regulations recognized by the PRP, including Colorado, Florida, Indiana, Massachusetts, Nevada, New Jersey, Ohio, West Virginia, and Wisconsin.

Pesticide Recordkeeping Federal-State Cooperative Program



Blue - States inspected under the USDA cooperative program Tan - States not operating under the USDA cooperative program

Inspection Program With Federal Agencies

Federal inspectors with USDA's Animal and Plant Health Inspection Service (APHIS) and Grain Inspection, Packers and Stockyard Administration (GIPSA) inspected applicators in two States, Missouri and New York. Federal inspectors conducted a total of 316 inspections. Both Federal and State inspectors work with certified private pesticide applicators to help them bring RUP records into compliance on the first inspection through compliance assistance efforts.

Compliance and Compliance Assistance

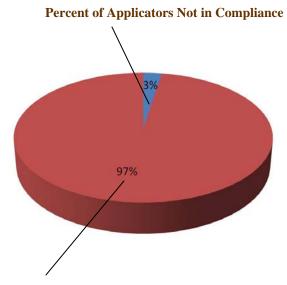
The PRP issued 96 warning letters in 20 States during FY 2010. These warning letters were sent to private pesticide applicators who failed to comply by denying access, failing to maintain records, or having incomplete records. The 90 applicators who were not in compliance represent approximately 3 percent of the 3,497 certified private applicators inspected under the Federal regulations in FY 2010.



Compliance assistance is offered to all applicators who initially fail to record all of the required record elements, if they have the original application information available in written form. Inspectors are trained to provide this assistance as needed to help applicators come into compliance during inspections. Out of the 3,497 certified private pesticide applicators inspected, more than 435 were provided compliance assistance for one or more of the required record elements. The two major elements that continue to require the most assistance are the "amount of pesticide applied" and the "EPA registration number."

Follow-Up Inspections

Chart 2: Compliance percentage of certified private applicators inspected.



Percent of Applicators in Compliance

A total of 113 follow-up inspections were conducted in 19 States that are under the Federal regulations. Those follow-up inspections examine the records of applicators who were out of compliance the previous year. The majority of applicators visited during a follow-up inspection are found to have their RUP application records completed accurately.

Agricultural Production Data

Additional information gathered during the inspection process is the varied agricultural production that occurs on the farms of certified private pesticide applicators. As indicated in Table 1, corn production (29%) is the number one commodity followed by soybeans (20%) and hay (10%). The data is collected based on the applicator's response to the question of the type of agricultural production carried out on the farm. More than one type of agricultural production can be listed for each farm operation. Additionally, as indicated in Chart 3, the number of applicators applying general use pesticides and keeping records is very high (64%). Under current Federal regulations, the applicators are not required to keep records of general use pesticide applications. Some applicators have indicated it is easier to keep records for all pesticide applications and not separate the restricted use from the general use pesticide applications. In addition, many applicators have said the pesticide recordkeeping manuals provided

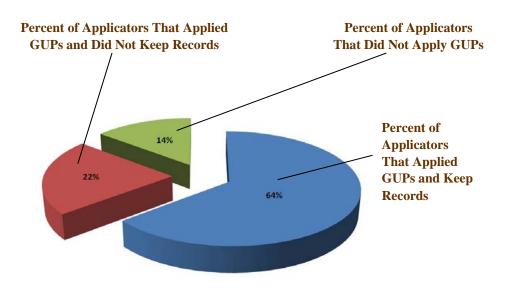
by PRP greatly assist them in keeping all

| Table 1: FY 2010 Distribution of Types of |
|--|
| Agricultural Production engaged by applicators |
| that were inspected |

| Agricultural Production | Percentage |
|-------------------------|------------|
| Corn | 29% |
| Soybeans | 20% |
| Hay | 10% |
| Pasture | 9% |
| Other Production | 7% |
| Small Grains | 6% |
| Vegetables | 5% |
| Fruits | 4% |
| Livestock | 3% |
| Greenhouse/Nursery | 1% |
| Tobacco | 1% |
| Cotton | 1% |
| Sugar Beets | 1% |
| Forestry | 1% |
| Dairy | 1% |
| Peanuts | 1% |
| Total Production | 100.00% |



records.



Educational Outreach

Outreach Project in Arkansas: In early 2010, the University of Arkansas at Pine Bluff (UAPB) provided presentations of the Federal Pesticide Recordkeeping Program at conferences and workshops throughout the State. Presentations on the requirements were made at the Arkansas Land and Farm Development Corporation in Fargo, the Livestock Informational Meeting in Fargo, the Area Vegetable Production Meeting in Marianna, the Community Resource Fair in Monticello, the Annual Rural Life Conference in Pine Bluff, the Farm Safety Meeting in Helena, and the UAPB Agricultural Demonstration and Outreach Center in Marianna. Federal Pesticide Recordkeeping Program



Carolyn Prowell, project participant, makes a presentation on the program at the 54th Annual Rural Life Conference.

educational materials were also provided at these conferences and workshops.

The UAPB outreach project also provided one-on-one recordkeeping assistance to socially disadvantaged producers on how to enter information into the pesticide recordkeeping manual. Approximately 70 producers were provided pesticide recordkeeping training by cooperative extension associates during this project. This cooperative agreement with the UAPB strengthened the educational outreach activities of the program for socially disadvantaged producers and certified private pesticide applicators in counties identified that have a high percentage of minority farmers.



Henry English, project director with UAPB, provided several presentations on the importance of pesticide recordkeeping. The pesticide exhibit used to provide information about the pesticide recordkeeping program was developed by UAPB and was transported to various recordkeeping presentations. Copies of the USDA "Recordkeeping Manual for Private Pesticide Applicators," USDA's brochure "Pesticide Recordkeeping Requirements for Certified Private Applicators of Federally

Restricted Use Pesticides," EPA's "A Guide for Private and Commercial Applicators, Applying Pesticide Correctly," and UAPB's brochure "Pesticide Spray Drift and Misuse" were provided to producers and applicators.

Outreach to Tribal Nations: The Montana Department of Agriculture (MDA) continued its program to work with county and tribal extension agents and other agriculture representatives to conduct private certified pesticide applicator training in the State of Montana. The training program included information on the Federal pesticide recordkeeping regulations and having cooperative extension agents provide educational materials to assist applicators with compliance of the regulations.

Louisiana Department of Agriculture and Forestry (LDAF) Outreach to Commercial Applicators: LDAF continued its educational outreach to commercial pesticide dealers and applicators. In 2010, LDAF inspected 658 commercial applicators and 204 pesticide dealers. During these inspections, the LDAF staff reviewed the requirements for commercial applicators under the Federal pesticide recordkeeping regulations and provided them with educational brochures that provide detailed information about the requirements.

New York State Cooperative Extension Offices Support: Additional pesticide recordkeeping outreach materials were provided to the New York Extension Service in counties selected for Federal inspection to help applicators in those counties understand and comply with the Federal regulations. The Cooperative Extension service offices in the counties where applicators were selected for inspection were also notified of the inspections so applicators had time to compile their records.

Oregon Department of Agriculture (ODA) Provides Outreach to Applicators Statewide:

ODA conducted educational and outreach activities statewide in association with routine pesticide licensing certification and re-certification of private applicators. The Federal Pesticide Recordkeeping requirements were incorporated into the overall functions of the ODA regulatory program, and presentations were conducted to private applicators to help distinguish the difference between the Federal requirements and State requirements. More than 35 presentations were provided to applicators attending grower meetings, industry meetings, and trade shows. Attendance to these meetings varied from 50 to 200 agricultural personnel and private applicators.

Private Pesticide Applicator Assistance Project: The Nevada Department of Agriculture conducted several RUP training seminars around the State to assist applicators in complying with the Federal and State regulations. The training sessions focused on how applicators can renew their pesticide certification through the continuing education program and provided an extensive overview of the pesticide recordkeeping requirements.

PRP Large and Small Educational Displays: The PRP large display was used to provide outreach information to growers at trade shows and conventions. The smaller table-top display

was loaned to cooperators attending local, regional, and State trade shows as a way of providing outreach materials on a local level. The Idaho State Department of Agriculture (ISDA) provides educational outreach and materials to applicators in Idaho by using the PRP table-top display at Western and Eastern Idaho State Fairs. The Nevada Department of Agriculture also utilized the table-top display at its training sessions in the State.



Workshops and Trade Shows

Virginia Pesticide Safety Educators Workshop: PRP participated in the 17th Annual Virginia Pesticide Safety Educator's Workshop, October 6-9, 2009, in Roanoke, Virginia. This workshop was designed to update agents and specialists on pesticide applicator training procedures and practices. PRP staffed the educational display and provided information on the regulations and how Extension could work with applicators to educate them on the requirements. Approximately 50 Virginia Cooperative Extension Pesticide Educators attended.

Sunbelt Agricultural Exposition: PRP staffed a booth at the Sunbelt Agricultural Exposition on October 20-22, 2009, in Moultrie, Georgia. A large pesticide recordkeeping display was set up while educational, program, and informational materials were provided to certified private pesticide applicators from the southeast region of the country. More than 150,000 growers, agriculture-related professionals, young farmers, and small and minority farmers attended this 3-day exposition and trade show. More than 1,000 recordkeeping manuals were distributed during the trade show.

American Farm Bureau Federation Annual Meeting and Trade Show: PRP staffed the AMS exhibit at the American Farm Bureau Federation Annual Meeting and Trade Show on January 9-13, 2010, in Seattle, Washington. More than 800 recordkeeping manuals and other outreach materials were provided to applicators in attendance to the trade show.

The Commodity Classic Trade Show: PRP participated in the Commodity Classic Trade Show on March 4-6, 2010, in Anaheim, California. The Commodity Classic is the American Soybean Association (ASA), the National Corn Growers Association (NCGA), the National Association of Wheat Growers (NAWG), and the National Sorghum Producers (NSP) Annual Meeting and Convention. The PRP displayed and provided educational materials to applicators. More than 4,000 growers, members, and leaders attended the trade show.

Association of American Pesticide Control Officials Annual Meeting: The annual meeting was attended by PRP on March 8-10, 2010, in Crystal City, Virginia. The Association of American Pesticide Control Officials (AAPCO) represent State Pesticide Control Officials in order to help develop, implement, and communicate sound public policies and programs related to the sale, application, transport, and disposal of pesticides. PRP States are members of AAPCO, which provides the program with an opportunity to discuss issues of mutual interest during this meeting.

Western Region Pesticide Meeting: PRP participated in the Western Region Pesticide Meeting on May 18-20, 2010 in Boise, Idaho. The meeting is designed to discuss pesticide issues of common concern among USDA, U.S. Environmental Protection Agency (EPA), State, and tribal lead regulatory personnel as well as university and tribal pesticide safety educators.

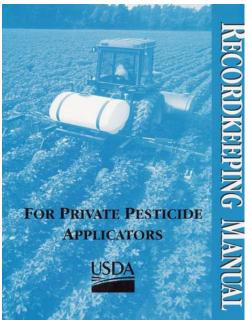
Southern Region Pesticide Safety Educators Meeting: The Southern Region Pesticide Safety Educators Meeting was held on June 22-25, 2010, in Montgomery, Alabama. The meeting is designed to help develop professional trainers with their skills in order to better convey their information to private applicators. The meeting concentrates on the training of extension agents and pesticide inspectors. PRP participated in the meeting that was also attended by 13 southeastern state representatives.

National Association of County Agricultural Agents Conference: PRP participated in this conference on July 11-15, 2010, in Tulsa, Oklahama to discuss pesticide issues related to county agricultural extension agents throughout the country and how to better train private applicators on the provisions of the Federal Pesticide Recordkeeping regulations.

Northeast Region Pesticide Safety Education Certification Workshop: A presentation on the Federal pesticide recordkeeping requirements was given by PRP at the Northern Region Pesticide Safety Education Certification Workshop, which was held on September 27-29, 2010 in Manchester, New Hampshire. More than 1,000 agricultural county extension agents were in attendance.

Pesticide Recordkeeping Program Publications

Federal Pesticide Recordkeeping Manual: The recordkeeping manual continues to be one of the program's best outreach tools for helping private applicators comply with the recordkeeping requirements. Over 260,000 manuals have been requested and distributed to certified private pesticide applicators since 2004. The outreach effort was achieved through State departments of agriculture contacts, State cooperative extension service offices, and agricultural commodity trade shows in FY 2010.



Federal Pesticide Recordkeeping Brochure: The brochure was updated in FY 2010 to provide more information in an easier-to-read format. The brochure provides a small recordkeeping form on the back for private applicators that have very few applications. More than 5,000 copies were distributed in FY 2010. The program also maintains a Spanish language version of the brochure, which is available upon request.

Federal Pesticide Recordkeeping Pocket Notebooks: A new pocket-sized recordkeeping notebook was developed and has already proven very popular with applicators. The program provided more than 1,600 pocket-sized recordkeeping notebooks to certified private pesticide applicators.

2010 Federal Pesticide Recordkeeping Program Statistics

- 4,210 inspections of certified private applicators were conducted under Federal and State regulations
- 3,497 inspections were of applicators required to comply with the Federal regulations
- 713 inspections were conducted by States with comparable regulations
- 113 follow-up inspections were completed
- 90 warning letters were written
- 11,757 individual records were collected and reviewed
- 1,361 applicators inspected used commercial applicators to apply pesticides
- 1,167 of the applicators contracting with commercial applicators also applied their own RUPs
- 190 applicators did not apply RUPs and did not use commercial applicators

Educational Materials Distributed:

- 4,392 USDA pesticide recordkeeping manuals
- 159 greenhouse and nursery recordkeeping manuals
- 727 USDA pesticide recordkeeping brochures
- 2,260 USDA pocket-sized recordkeeping booklets

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